



STATE LEGISLATIVE FACT SHEET

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OPEN CONTAINER LAWS

Key Facts

Motor vehicle crashes are the leading cause of death for Americans ages 5 through 29 and motor vehicle crash injuries are a major health care problem in the U.S. Alcohol-related crashes are a substantial portion of this problem.

- Alcohol involvement remains the leading factor in motor vehicle deaths.
- Impaired driving is the most frequently committed violent crime in the United States.
- One million people are injured in alcohol-related crashes annually.
- Only 7 percent of all crashes involve alcohol use, but 39 percent of fatal crashes do.
- Every 33 minutes, someone is killed in an alcohol-related crash.
- The economic cost of alcohol-involved crashes is approximately \$45 billion per year (based on 1994 figures).

Open Container

Open container laws prohibit the possession of any open alcoholic beverage container and the consumption of any alcoholic beverage in the passenger area of a motor vehicle. Since every state has laws to prevent and punish impaired driving, open container laws can serve as an important tool in the fight against impaired driving.

Section 154 of the TEA 21 Restoration Act

In 1998, as part of the Transportation Equity Act for the 21st Century (TEA-21) Restoration Act, a new Federal program was established to encourage state adoption of open container laws.

Section 154 of the TEA-21 Restoration Act requires that states have an open container law in place by October 1, 2000. States without this law will have a portion of their Federal-aid highway construction funds redirected into other state safety activities, beginning in Fiscal Year 2001. The redirected monies will go to the state's Section 402 highway safety program to be used for alcohol-impaired driving countermeasures or for enforcement of anti-drunk driving laws, or to the state's hazard elimination program under Section 152.

To comply with Section 154, a state's open container law must:

- prohibit both possession of any open alcoholic beverage container and consumption of any alcoholic beverage;



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- cover the passenger area of any motor vehicle, including unlocked glove compartments and any other areas of the vehicle that are readily accessible to the driver or passengers while in their seating positions;
- apply to all open alcoholic beverage containers and all alcoholic beverages, including beer, wine, and spirits that contain one-half of one percent or more of alcohol by volume (including 3.2% beer);
- apply to all vehicle occupants except for passengers of vehicles designed, maintained, and used primarily for the transportation of persons for compensation (such as buses, taxi cabs, and limousines) and motor homes;
- apply to vehicles on a public highway or the right-of-way (i.e. on the shoulder) of a public highway; and
- require primary enforcement of the law, rather than requiring probable cause that another violation had been committed before allowing enforcement of the open container law.

To avoid the transfer of funds, states must certify that their open container law complies with these elements, that the law is in effect and that they are enforcing the law.

The redirection amount for states not in compliance in Fiscal Years 2001 and 2002 will be 1.5 percent of certain state Federal-aid highway construction funds. The redirection amount for Fiscal Year 2003 and subsequent years is 3 percent.